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DOC #:
DATE FILED: 10/23/2023

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES SECURITIES AND
EXCHANGE COMMISSION,

Plaintiff,

- against -

COLLECTOR'S COFFEE INC., et al.,
Defendants.

19-CV-4355 (VM)

ORDER

VICTOR MARRERO, United States District Judge.

The Court is in receipt of Defendant Mykalai Kontilai's letter of October 10, 2023 ("Letter," Dkt. No. 1294) and the SEC's October 12, 2023 response (Dkt. No. 1297). Mykalai Kontilai requests a pre-motion conference concerning his "anticipated Motion to Quash" the trial subpoena issued by this Court on September 7, 2023. (See Letter at 1; see also Dkt. No. 1283.) That request is hereby **DENIED**.

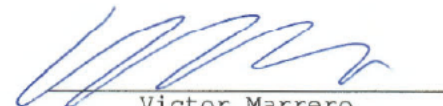
The Letter largely repeats the arguments made in opposition to the SEC's prior request to issue a trial subpoena to Mykalai Kontilai pursuant to 28 U.S.C. Section 1783 and Federal Rule of Civil Procedure 45 (the "Prior Request"). (See Dkt. No. 1250; see also Dkt. No. 1251.) The Court granted the SEC's Prior Request because it found the SEC's arguments to be persuasive. (See Dkt. Nos. 1270,

1283.) The Letter says nothing about how Mykalai Kontilai's anticipated motion would be meaningfully different from the Prior Request that the Court has already decided. Nor could it, given that the Court would decide the anticipated motion on the same record and under the same legal standard governing the SEC's Prior Request. (Compare Letter, Dkt. No. 1294 with Defendant Mykalai Kontilai's Opposition to the Prior Request, Dkt. No. 1251.) Accordingly, the Court finds that a pre-motion conference (and, indeed, the anticipated motion itself) would likely be repetitive, cumbersome, and wasteful for the Parties and the Court.

Trial in this matter is scheduled to start on December 4, 2023. (See Dkt. No. 1266.) The Court suggests that it would be more prudent to spend remaining time and effort on preparing for trial, rather than relitigating pre-trial matters that have been duly decided.

SO ORDERED.

Dated: 23 October 2023
New York, New York


Victor Marrero
U.S.D.J.